

# THE HISTORY OF THE BALTIMORE CITY SOLICITORS

*by*

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The history of the legal officers of the City of Baltimore should be viewed in three distinct phases: (1) an early, informal period from 1797 to 1864; (2) an intermediate period from 1864 to 1898 during which the City was represented by two separate legal officers, the City Counsellor and the City Solicitor; and (3) the modern period, from 1898 to present, during which the office of City Solicitor attained its current position as legal advisor, policy-maker, and head of the Baltimore City Department of Law. The following article describes the development of the office of the City Solicitor, as well as presents limited professional biographies of many who have served the citizens of Baltimore in this capacity.

## 1. The Early City Counsellors (1797 to 1864)

Although Baltimore City received its first charter in 1797, the first reference that we have found to a permanent legal officer for the City is in 1822. The City's Annual Report for that year lists John Scott, Esq. as "Counsel for the City." By 1838, George Gordon Belt is identified as "Attorney and Counsellor for the City." This function was gradually formalized into the position

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of City Counsellor, although during this period there was no specific statutory authority for employment of permanent legal counsel.

During this period, City Counsellors functioned exclusively as litigation attorneys defending the interests of the City and not as legal advisors or policy-makers. City Counsellors rarely changed with changes of mayoral administrations, but instead were retained for their technical expertise through successive administrations, even when the mayors were from different political parties.<sup>1</sup> This held constant until the eve of the Civil War, when partisan feelings ran particularly high.

Because of gaps in the historical record, the list of City Counsellors during this early period must be considered provisional.

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| <b>1822-1833</b> | <b>John Scott.</b> It appears that Scott was appointed by Mayor John Montgomery (1820-1823), and retained by Mayor Edward Johnson (1823-1826), Mayor Jacob Small (1826-1831), Mayor William Steuart (1831-1832), <sup>2</sup> and served at least the first years of the administration of Mayor Jesse Hunt (1832-1835). <sup>3</sup> |
| <b>1834-1839</b> | <b>George Gordon Belt.</b> Belt appears to have been appointed by Mayor Jesse Hunt (1832-1835), retained by Mayor Samuel Smith (1835-1838), and Mayor Sheppard C. Leakin (1838-1840). This was despite the fact that Mayor Hunt was a member of the Democratic Party, while Mayor Leakin was a Whig.                                  |
| <b>1840-1841</b> | <b>William Gwynn.</b> Gwynn was appointed by Mayor Samuel Brady (1840-1842).  |
| <b>1842-1844</b> | <b>William L. Marshall.</b> Marshall was appointed by Mayor Solomon Hillen, Jr. (1842-1843) and retained by Mayor James O.  |

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<sup>1</sup> All information about the Mayors of Baltimore City, their political affiliations, and their respective dates of service, is derived from WILBUR F. COYLE, *THE MAYORS OF BALTIMORE* (1919).

<sup>2</sup> Mayor Steuart served from April 1831 to November 1832 serving out the unexpired portion of Mayor Jacob Small's term.

<sup>3</sup> It is unclear from the historical materials studied if this is the same man who served as a Chief Judge of the Baltimore City Court of Oyer, Terminer & Gaol from April 5, 1808 to July 15, 1813. *HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY* 59 (Byrnes, J.C., ed. 1997).

Law (1843-1844).<sup>4</sup> Marshall later served as the United States Attorney for the District of Maryland (1845-1850).<sup>5</sup> Marshall later served as a Judge of the Court of Common Pleas of Baltimore City (1852-1861).<sup>6</sup>

- 1844-1846**    **Hugh Davey Evans.** Evans was appointed City Counsellor by Mayor Jacob G. Davies (1844-1848).
- 1846-1849**    **Benjamin C. Presstman.** Presstman was a member of the Maryland House of Delegates (1840-1842) and a delegate representing Baltimore City at the Maryland state constitutional convention of 1850-51.<sup>7</sup> Presstman was appointed City Counsellor by Mayor Jacob G. Davies (1844-1848) and continued to serve under Mayor Elijah Stansbury (1848-1850). Presstman later served as a judge of the Superior Court of Baltimore City in 1855.<sup>8</sup>
- 1849-1852**    **Archer Ropes.** Ropes was appointed by Mayor Elijah Stansbury (1848-1850), a member of the Democratic Party, but continued to serve under Mayor John Hanson Thomas Jerome (1850-1852), a Whig.
- 1853-1854**    **Benjamin C. Presstman.** *See above.* For this term, Presstman was appointed by Mayor John Hanson Thomas Jerome (1850-1852) and he continued to serve throughout the mayoralty of J. Smith Hollins (1852-1854).
- 1855-1858**    **Grafton L. Dulany.** Dulany was appointed by Mayor Samuel Hinks (1854-1856) and also served during the first term of the administration of Mayor Thomas Swann (1856-1860).
- 1859-1860**    **Archibald Stirling, Jr.** Stirling served simultaneously in the Maryland House of Delegates (1858-1860) while also serving as City Counselor under Mayor Thomas Swann (1856-1860). In 1864, Stirling was a delegate to the Maryland Constitutional Convention and a delegate to the National Union Party Convention (1864).<sup>9</sup> That same year he was elected to the State Senate (1864-

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<sup>4</sup> Mayor Law served from October 1, 1843 to November 4, 1844 serving out the unexpired portion of Mayor Solomon Hillen, Jr.'s term.

<sup>5</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 369, 468 (1990).

<sup>6</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 58 (Byrnes, J.C., ed. 1997).

<sup>7</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 144, 330, 491 (1990).

<sup>8</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 58 (Byrnes, J.C., ed. 1997).

<sup>9</sup> PROCEEDINGS OF THE NATIONAL UNION CONVENTION HELD IN BALTIMORE, MARYLAND JUNE 7 AND 8, 1864 (New York: Baker & Godwin, 1864)

1865). Stirling later served as the United States Attorney for the District of Maryland (1869-1886).<sup>10</sup>

**1861 George M. Gill.** Gill appears to have served as City Counselor under Mayor George William Brown (1860-1861). Mayor Brown's term ended upon his imprisonment by federal authorities because of his alleged support for the Confederacy. Gill may have been discharged around the same time. Gill, a Democrat, was a delegate to the 1867 Maryland State Constitutional Convention representing Baltimore City.<sup>11</sup>

**1862-1863 John Lewis Thomas, Jr.** Thomas, born in 1835, was 25 years old when he assumed the post. Thomas, a member of the Union party was selected by Unionist Mayor John Lee Chapman (1862-1867). Thomas later served as the State's Attorney for Baltimore City (1863-1865), and as a United States Congressman (1865-67).<sup>12</sup>

## 2. The Intermediate Period (1864 to 1898)

Beginning in 1864, the Baltimore City Code required the City of Baltimore to employ two legal officers, the City Counsellor and the City Solicitor.<sup>13</sup> Both positions were appointed by the Mayor, subject to City Council confirmation.<sup>14</sup> The duties of the two officials were strictly divided. The City Counsellor argued all appeals, tried all federal cases, and state cases in the Superior Court for Baltimore City.<sup>15</sup> The City Solicitor was the more junior lawyer, permitted to try the City's cases in the lesser state trial courts and to assist the City Counsellor in other courts.<sup>16</sup> The City Solicitor was also responsible for preparing title documents, provide

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<sup>10</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 49, 145, 331, 369, 513 (1990).

<sup>11</sup> THE BIOGRAPHICAL CYCLOPEDIA OF REPRESENTATIVE MEN OF MARYLAND AND DISTRICT OF COLUMBIA 290 (Nat'l Biographical Pub. Co. 1879); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 332, 429 (1990).

<sup>12</sup> See BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000174>); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 357, 517 (1990).

<sup>13</sup> Act of May 18, 1864, No. 71, §§1, 3, *codified as* BALT. CITY CODE (1869), Art. XII, §1.

<sup>14</sup> BALT. CITY CODE (1869), Art. XII, §1.

<sup>15</sup> BALT. CITY CODE (1869), Art. XII, §2.

<sup>16</sup> BALT. CITY CODE (1869), Art. XII, §3.

opinions to the Mayor and City Council, and drafting legislation for the City Council.<sup>17</sup> The Counsellor, as the more senior lawyer, received the higher salary, \$2,500 per year, while the Solicitor received \$1,500.<sup>18</sup>

By 1879 several changes were made, although the basic structure of the Law Department remained unchanged. First of all, the spelling of “Counsellor” was changed to “Counselor,” not by Ordinance, but by fiat of the compiler of ordinances. Minimum hours for the two jobs were established—either the City Counselor or the City Solicitor had to be at City Hall from 12:00 noon to 1:00 p.m. every day.<sup>19</sup> The salary structure for the two offices was also changed. Although the Counselor’s salary was unchanged, the City Solicitor’s salary was raised from \$1,500 to \$4,000 annually. The result was that the junior Solicitor was paid significantly more than the senior Counselor, perhaps reflecting that the Counselor’s services were reserved for the most serious matters.<sup>20</sup> Finally, a third legal officer was authorized, an Examiner of Titles to assist the City Solicitor.<sup>21</sup>

<u><b>Date</b></u>	<u><b>City Counselor</b></u>	<u><b>City Solicitor</b></u>
1864	<b>John Lewis Thomas, Jr.</b> Thomas was simultaneously serving as State’s Attorney for Baltimore City. <i>See above.</i>	Currently unknown.

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<sup>17</sup> BALT. CITY CODE (1869), Art. XII, §4.

<sup>18</sup> BALT. CITY CODE (1869), Art. XII, §9.

<sup>19</sup> BALT. CITY CODE (1879), Art. XII, §6.

<sup>20</sup> BALT. CITY CODE (1879), Art. XII, §8.

<sup>21</sup> BALT. CITY CODE (1879), Art. XII, §19.

<u>Date</u>	<u>City Counselor</u>	<u>City Solicitor</u>
1865-1866	<b>William Price.</b> Price served as a member of the Maryland House of Delegates (1861-1862) and later as United States Attorney for the District of Maryland (1862-1865, 1866-1867). <sup>22</sup>	<b>Cornelius Lawrence Ludlow Leary.</b> Leary, born October 22, 1813 in Baltimore, served as a member of the Maryland House of Delegates (1838-1839) and as a United States Congressman (1861-1863) before his appointment as City Solicitor. At various times he was elected as a member of the Whig, American (“Know Nothing”), and Union parties. Leary died on March 21, 1893 <sup>23</sup>
1867	<b>John Lewis Thomas, Jr.</b> <i>See above.</i>	
1868-1869	<b>William H. Norris.</b>	<b>Robert D. Morrison.</b>
1870-1871	Currently unknown.	
1872-1875		<b>Albert C. Ritchie.</b> Ritchie later served as City Counselor (1890-1892) and then as a Judge of the Supreme Bench of Baltimore City from September 14, 1892 until September 14, 1903. <sup>24</sup> Judge Ritchie’s son, Albert C. Ritchie, was a four-term Governor of Maryland.

<sup>22</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 145, 369, 492 (1990).

<sup>23</sup> *See* BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000179>); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 144, 356, 460 (1990).

<sup>24</sup> 1 MEN OF MARK IN MARYLAND 298 (1912); HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 58 (Byrnes, J.C., ed. 1997).

<u>Date</u>	<u>City Counselor</u>	<u>City Solicitor</u>
1876-1877		<b>John Van Lear Findlay.</b> Findlay was born December 21, 1839 in Williamsport, Washington County, Maryland. Findlay was approximately 37 years old when appointed City Solicitor. Findlay had previously served in the Maryland House of Delegates as a representative of his native Washington County (1861-1862) and later served as a United States Congressman from Baltimore City (1883-1887). Findlay died on April 19, 1907. <sup>25</sup>
1878-1879		
1880-1881	<b>James L. McLane.</b> McLane served as a member of the House of Delegates in 1870. <sup>26</sup> McLane served twice as City Counselor (1880-1881, 1884-1885).	<b>Thomas W. Hall.</b>
1882	<b>John Prentiss Poe.</b> Poe was the author of Poe's Practice and Pleading, Dean of the University of Maryland Law School, Attorney General of Maryland (1891-1895), State Senator (1890-1891), and father of City Solicitor Edgar Allen Poe. <sup>27</sup> Poe was recently honored as one of 48 "Preeminent Baltimore Lawyers and Judges of the 20 <sup>th</sup> Century." <sup>28</sup>	
1883		<b>I. Parker Veazey.</b>

<sup>25</sup> See BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000121>); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 266, 358, 422 (1990).

<sup>26</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 150, 473 (1990).

<sup>27</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 24, 50, 490 (1990).

<sup>28</sup> CELEBRATING A CENTURY OF SERVICE 33.

<u>Date</u>	<u>City Counselor</u>	<u>City Solicitor</u>
1884-1885	<b>James L. McLane.</b> <i>See above.</i>	<b>Bernard Carter.</b> Carter, born on July 20, 1834 in Prince George's County, Maryland, was approximately 50 years old when first appointed City Solicitor.  After his first year as City Solicitor, Carter was nominated to serve a second, one-year term. The City Council rejected the nomination. Because the Mayor refused to nominate another City Solicitor, Carter remained as a holdover in the office. <sup>29</sup>  Carter died on June 13, 1912. Carter was recently honored as one of 48 "Preeminent Baltimore Lawyers and Judges of the 20 <sup>th</sup> Century." <sup>30</sup>
1886-1887	<b>Robert Gilmore</b> <sup>31</sup>	
1888-1889	<b>Fetter Schrier Hoblitzell.</b> Hoblitzell, born October 7, 1838, was approximately 50 years old when appointed City Counselor. Prior to his appointment, Hoblitzell had served as a private in the Confederate Army, was a member of the Maryland House of Delegates (1870, 1876), and later as its speaker (1878), and a United States Congressman (1881-1885). Hoblitzell died on May 2, 1900. <sup>32</sup>	
1890-1892	<b>Albert C. Ritchie.</b> Ritchie had previously served as City Solicitor (1872-1875). <i>See above.</i>	<b>William A. Hammond.</b>

<sup>29</sup> *Robb v. Carter*, 65 Md. 321, 4 A. 282 (1886).

<sup>30</sup> CELEBRATING A CENTURY OF SERVICE 20.

<sup>31</sup> This may have been the same man who served as a Judge of the Superior Court for Baltimore City from 1867 to 1882. HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 58 (Byrnes, J.C., ed. 1997).

<sup>32</sup> *See* BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000664>); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 126, 146, 155, 358, 443 (1990).



<u>Date</u>	<u>City Counselor</u>	<u>City Solicitor</u>
1893-1895	<b>Thomas G. Hayes.</b> Hayes had previously served as a member of the Maryland House of Delegates (1880) and State Senate (1884-1886, 1892-1894). In fact, it appears he was a member of the state senate at the same time he was serving as City Counsellor. Hayes had also served as the United States Attorney for the District of Maryland (1886-1890). Hayes later served as Mayor of Baltimore (1899-1903). <sup>33</sup>	<b>William Shepard Bryan, Jr.</b> Bryan was born December 23, 1859, and was thus 34 years old when he was appointed City Solicitor. He later served as Attorney General of Maryland (1903-1907). Bryan died on April 3, 1914. <sup>34</sup>
1896-1898		<b>Thomas Ireland Elliott.</b> Elliott was appointed by Mayor Alcaeus Hooper (1895-1897). Elliott later served as a Judge of the Supreme Bench of Baltimore City from November 6, 1906 until December 5, 1915. <sup>35</sup>

### 3. The Modern City Solicitors (1898 to present)

In the 1898 Baltimore City Charter, the Baltimore City Department of Law was first created and the City Solicitor given overall control. The position of City Counselor was abolished and the duties of that official were merged into that of the City Solicitor. It is in the 1898 Charter that the requirement that the City Solicitor have practiced ten years in Baltimore first appears. The 1898 Charter also created the Board of Estimates and made the City Solicitor a member of the Board. In this way, for the first time, the City Solicitors were given a policy-making function. In 1935, former deputy city solicitor (and future City Solicitor) Simon E. Sobeloff described the duties of the Baltimore City Solicitor:

<sup>33</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 52, 151, 338, 369, 439 (1990).

<sup>34</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 24, 392 (1990). Bryan's father, William Shepard Bryan, was a Judge of the Court of Appeals of Maryland .

<sup>35</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 57 (Byrnes, J.C., ed. 1997).

The City Solicitor is the City's chief law officer—and he is much more than that. The mere enumeration in the City Charter of the duties and responsibilities vested in that official is sufficiently impressive, but they can convey no adequate idea of the extent and ramification his official activities. In addition to the vast jurisdiction granted the City Solicitor by the Charter, custom and practice have built up around him a sphere of responsibility and influence which touches virtually every action of the municipality and its officers. He is called upon to deal with many problems unrelated, except by the most tenuous thread, to the duties explicitly fixed for him by law. Aside from the strictly legal duties of the City Solicitor, he also has a voice in the formation of municipal policy, and many matters that one would normally suppose to be within the sole province of the City Council or one of the executive departments are really left to the determination of the City Solicitor. Thus, the City Solicitor has become the mainspring in the administration of municipal affairs.<sup>36</sup>

Those that follow should be considered “modern” City Solicitors.

**1898-1899**

**John E. Semmes.** Semmes was born in 1851 and was approximately 51 years old when he was appointed City Solicitor. Semmes was appointed by Mayor William T. Malster (1897-1899) and served the last year of Malster's administration.<sup>37</sup> In 1909, Semmes, his son, and another young associate, founded the Baltimore law firm of Semmes, Bowen, and Semmes.<sup>38</sup>

**1899-1900**

**Bernard Carter.** Carter, born on July 20, 1834, was approximately 50 years old when he was first appointed City Solicitor in 1884. Carter's last term as City Solicitor (1899-1900) coincided with the first year of the administration of Mayor Thomas G. Hayes (1899-1903). He died on June 13, 1912. Carter was recently honored as one of 48 “Preeminent Baltimore Lawyers and Judges of the 20<sup>th</sup> Century.”<sup>39</sup>

**1900-1903**

**William Pickney Whyte.** Whyte was appointed City Solicitor by Mayor (and former City Counselor) Thomas G. Hayes (1899-1903) at the age of 76 after serving as a member of the House of Delegates (1847-1848), State Comptroller (1853-1855), U.S. Senator (1868-69, 1875-

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<sup>36</sup> Simon E. Sobeloff, *The City Solicitor's Office in* FREDERICK PHILIP STIEFF, *THE GOVERNMENT OF A GREAT AMERICAN CITY* (1935).

<sup>37</sup> Interestingly, the City's Annual Report for 1898 continues to list a City Counselor, John V. L. Findlay, presumably the same man who had served as City Solicitor in 1876-1877.

<sup>38</sup> CELEBRATING A CENTURY OF SERVICE 58.

<sup>39</sup> CELEBRATING A CENTURY OF SERVICE 20.

1881), Governor (1872-1874), Mayor of Baltimore (1881-1882), and Attorney General (1887-1891). He finished his public service serving again as a U.S. Senator (1906-1908).<sup>40</sup>

### **1903**

**Olin Bryan.** Bryan, a Democrat, represented Queen Anne's County in the Maryland House of Delegates (1892), and then represented Baltimore City in the State Senate (1900-1902).<sup>41</sup>

### **1903-1908**

**William Cabell Bruce.** Bruce, born on March 12, 1860 in Staunton Hill, Virginia, was 43 years when appointed City Solicitor. Bruce, a Democrat, was first appointed City Solicitor in 1903 by Democratic Mayor Robert M. McLane (1903-1904), and continued to serve under his Republican replacement, Mayor E. Clay Timanus (1904-1907).<sup>42</sup> Bruce also appears to have served for the first year of the administration of Democratic Mayor J. Barry Mahool (1907-1911). Bruce had previously served in the Maryland State Senate (1894-1896) and as its President in 1896. He later went on to serve as general counsel to the Maryland Public Service Commission, and then as a United States Senator (1923-1929).<sup>43</sup> Bruce won a Pulitzer Prize in 1917 for his biography of Benjamin Franklin.<sup>44</sup>

### **1908-1911**

**Edgar Allan Poe.** Poe was born September 15, 1871, and thus was approximately 37 years old when appointed City Solicitor by Mayor J. Barry Mahool (1907-1911). Poe had served as deputy city solicitor to William Cabell Bruce.<sup>45</sup> Poe left the office of City Solicitor upon his election as Attorney General of Maryland (1911-1915). Edgar Allen Poe died on November 29, 1961.<sup>46</sup> Poe's father, John Prentiss Poe, had served as City Counsellor a generation earlier.

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<sup>40</sup> See BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000435>); 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 16, 19, 24, 27, 144, 338, 347-48, 529 (1990).

<sup>41</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 52, 248, 392 (1990).

<sup>42</sup> Upon Mayor McLane's untimely death, City Council President E. Clay Timinus was elevated to become Mayor.

<sup>43</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 37, 50, 348, 392 (1990).

<sup>44</sup> See BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS: 1774-PRESENT (<http://bioguide.congress.gov/scripts/biodisplay.pl?index=B000972>).

<sup>45</sup> *Sams v. Fisher*, 106 Md. 155, 66 A. 711 (1907).

<sup>46</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 24, 490 (1990).

<b>1911-1919</b>	<b>Samuel Summers Field.</b> Field, a native of Virginia, was born in 1863. He was educated at the University of Virginia before moving to Baltimore and becoming a member of the Baltimore Bar in 1884. Field was approximately 48 years old when he was appointed City Solicitor by Mayor James H. Preston (1911-1919) and they served together throughout Preston's two terms of office. Field died on April 17, 1920. <sup>47</sup>
<b>1919-1923</b>	<b>Roland A. Marchant.</b> Marchant was appointed City Solicitor by Republican Mayor William F. Broening (1919-1923, 1927-1931).
<b>1923-1926</b>	<b>Phillip B. Perlman.</b> Perlman, a former Secretary of State of the State of Maryland (1920-1923), <sup>48</sup> was appointed City Solicitor by Mayor Howard W. Jackson (1923-1927, 1931-1943). Perlman left office on February 1, 1926. Perlman later served as Solicitor General of the United States (1947-1952), personally arguing the landmark anti-discrimination case of <i>Shelley v. Kraemer</i> . <sup>49</sup> Perlman was recently honored as one of 48 "Preeminent Baltimore Lawyers and Judges of the 20 <sup>th</sup> Century." <sup>50</sup>
<b>1926-1927</b>	<b>Charles C. Wallace.</b> Wallace replaced Perlman, serving as the second City Solicitor of Mayor Howard W. Jackson's first term serving from March 1, 1926 to September 30, 1927.
<b>1927-1931</b>	<b>A. Walter Kraus.</b> Kraus was appointed City Solicitor by Republican Mayor William F. Broening (1919-1923, 1927-1931) and served throughout Broening's second term, October 1, 1927 to September 30, 1931.
<b>1931- 1938</b>	<b>R. E. Lee Marshall.</b> Marshall was appointed by Mayor Howard W. Jackson (1923-1927, 1931-1943) to be City Solicitor for his second (non-consecutive) term as Mayor.
<b>1938 -1942</b>	<b>Charles G. C. Evans.</b> Evans had previously served as Marshall's deputy city solicitor when he was elevated by Mayor Howard W. Jackson (1923-1927, 1931-1943).
<b>1942-1943</b>	<b>F. Murray Benson.</b> Benson had previously served as a member of the Maryland House of Delegates (1931-

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<sup>47</sup> *Report of Committee on Legal Biography*, MARYLAND STATE BAR ASS'N 54 (1920).

<sup>48</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 22, 488 (1990).

<sup>49</sup> For biographical information on Phillip B. Perlman, see the archives of the Maryland Historical Society (<http://www.mdhs.org/library/fotofind/PP0147fa.html>).

<sup>50</sup> CELEBRATING A CENTURY OF SERVICE 32-33.

1933).<sup>51</sup> Benson was the last City Solicitor appointed by Mayor Howard W. Jackson (1923-1927, 1931-1943).

#### **1943-1947**

**Simon E. Sobeloff.** Sobeloff was born December 3, 1894. He served in the Baltimore City Department of Law as an assistant city solicitor (1919-1923)<sup>52</sup> and as deputy city solicitor (1927-1930),<sup>53</sup> and at the age of 49 was appointed City Solicitor by Republican Mayor Theodore R. McKeldin (1943-1947, 1963-1967). Sobeloff had also served as United States Attorney for the District of Maryland (1931-1934). Sobeloff went on to serve as Chief Judge of the Court of Appeals of Maryland (1952-1954), Solicitor General of the United States (1954-1956), and Chief Judge of the United States Court of Appeals for the Fourth Circuit.<sup>54</sup> Sobeloff was recently honored as one of 48 “Preeminent Baltimore Lawyers and Judges of the 20<sup>th</sup> Century.”<sup>55</sup>

#### **1947-1958**

**Thomas N. Biddison.** Biddison was born July 4, 1908 and was approximately 39 years old when appointed City Solicitor. Biddison was appointed by Mayor Thomas D’Alesandro, Jr. (1947-1959) and served through most of D’Alesandro’s three terms as Mayor. Tragically, Biddison died while in office, at the age of 50.<sup>56</sup>

#### **1958-1959**

**Hugo A. Ricciuti.** Ricciuti had served as an assistant city solicitor and deputy city solicitor. Ricciuti was elevated by Mayor Thomas D’Alesandro, Jr. (1947-1959) after Biddison’s death to serve as City Solicitor for the last year of the D’Alesandro administration.

#### **1959-1961**

**Harrison Lee Winter.** Winter was born April 18, 1921 and was approximately 38 years old when appointed City Solicitor by Mayor J. Harold Grady (1959-1962). Winter left the office of City Solicitor to accept an appointment to the United States District Court for the District of

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<sup>51</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 164, 382 (1990).

<sup>52</sup> Sobeloff’s employment as an assistant city solicitor coincides with Republican Mayor William F. Broening’s first term when Roland Marchant was the City Solicitor.

<sup>53</sup> Sobeloff’s employment as deputy city solicitor coincides with Republican Mayor William F. Broening’s second term when A. Walter Kraus was the City Solicitor.

<sup>54</sup> History of the Federal Judiciary (<http://air.fjc.gov/servlet/uGetInfo?jid=2237>); 1 Archives of Maryland: An Historical List of Public Officials in Maryland 324-25, 369, 509 (1990). *See also* Abel J. Merrill, Biographical Sketch, 34 MD. L. REV. 491 (1974).

<sup>55</sup> CELEBRATING A CENTURY OF SERVICE 35.

<sup>56</sup> Telephone Interview with Thomas N. Biddison, Jr., Esq. (February 15, 2001).

Maryland.<sup>57</sup> He was later elevated to the United States Court of Appeals for the Fourth Circuit. Winter was recently honored as one of 48 “Preeminent Baltimore Lawyers and Judges of the 20<sup>th</sup> Century.”<sup>58</sup>

#### **1961-1963**

**Francis B. Burch.** Burch, born November 28, 1918, was 48 years old when appointed City Solicitor by Mayor J. Harold Grady (1959-1962). Burch continued as City Solicitor throughout the administration of Mayor Philip H. Goodman (1962-1963). Burch served briefly as state insurance commissioner (1965-1966). Burch later served three terms as Attorney General of Maryland (1966-1978).<sup>59</sup> Burch ran unsuccessfully for Governor in 1978. He died in 1987.

#### **1963-1968**

**Joseph Allen.** Allen had served as a Judge of the Supreme Bench for Baltimore City from December 19, 1956 until July 1, 1963 when he was appointed City Solicitor by Republican Mayor Theodore R. McKeldin (1943-1947, 1963-1967). Interestingly, it was McKeldin, who as Governor had appointed Allen to the bench in 1956.<sup>60</sup>

#### **1968-1974**

**George L. Russell, Jr.** Russell was born in Baltimore on March 19, 1929 and was thus 38 years old when appointed City Solicitor. Russell was the first African-American appointed to the Supreme Bench for Baltimore City.<sup>61</sup> He served as a judge from June 29, 1966 until January 2, 1968 when he was appointed City Solicitor by Mayor Thomas J. D'Alesandro, III (1967-1971).<sup>62</sup> As such, Russell was the first African-American City Solicitor as well.<sup>63</sup> Russell was retained as City Solicitor by Mayor William Donald Schaefer (1971-1987). After Judge Russell left City service he founded the firm of Russell & Thompson.<sup>64</sup> In subsequent years, Judge Russell has continued an active private practice, first with Piper & Marbury, and later with the Law Offices of Peter G. Angelos.

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<sup>57</sup> See H. H. WALKER LEWIS & JAMES F. SCHNEIDER, A BICENTENNIAL HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND: 1790-1990 98-102 (1990).

<sup>58</sup> CELEBRATING A CENTURY OF SERVICE 39.

<sup>59</sup> 1 ARCHIVES OF MARYLAND: AN HISTORICAL LIST OF PUBLIC OFFICIALS IN MARYLAND 25 (1990).

<sup>60</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 56 (Byrnes, J.C., ed. 1997).

<sup>61</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 90 (Byrnes, J.C., ed. 1997).

<sup>62</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 55 (Byrnes, J.C., ed. 1997).

<sup>63</sup> HISTORIES OF THE BENCH & BAR OF BALTIMORE CITY 90 (Byrnes, J.C., ed. 1997).

<sup>64</sup> For a history of the law firm of Russell & Thompson, see CELEBRATING A CENTURY OF SERVICE 56-57.

<b>1974-1987</b>	<b>Benjamin Brown.</b> Brown left the bench of the District Court of Maryland upon his appointment as City Solicitor by Mayor William Donald Schaefer (1971-1987). Brown also served as City Solicitor throughout the administration of Mayor Clarence “Du” Burns (1986-1987). The thirteen years of Judge Brown’s tenure as City Solicitor makes him the longest serving of the modern city solicitors. Brown died on June 18, 2002.
<b>1988-1996</b>	<b>Neal Marcellus Janey.</b> Janey, a former judge of the District Court of Maryland, left private practice on his appointment by Mayor Kurt L. Schmoke (1987-1999) to become City Solicitor. <sup>65</sup> Mr. Janey subsequently practiced law with Miles & Stockbridge P.C. and at the Law Offices of William H. Murphy, Jr. & Associates.
<b>1996-2000</b>	<b>Otho M. Thompson.</b> Thompson was a long-time employee of the Baltimore City Department of Law, serving as deputy city solicitor when he was elevated by Mayor Kurt L. Schmoke (1987-1999) to become City Solicitor for the last of Schmoke’s three terms as Mayor. Thompson’s term as City Solicitor expired on January 7, 2000. Thompson currently practices with the Baltimore law firm of Venable, Baetjer & Howard.
<b>2000-present</b>	<b>Thurman Wilbert Zollicoffer, Jr.</b> Zollicoffer was born August 23, 1963 and thus was 37 years old on March 3, 2000, when he was confirmed as City Solicitor under Mayor Martin O’Malley (1999-2003). <sup>66</sup> Zollicoffer, a former Assistant State’s Attorney, left private practice at the Baltimore law firm of Whiteford, Taylor & Preston to become City Solicitor.

#### 4. The Current Functions of the Baltimore City Solicitor

Today, the City Solicitor serves three distinct functions: as head of the Department of Law, as legal advisor to the Mayor, and as an independent policy-maker.

##### A. *City Solicitor as Head of Department of Law*

The Department of Law employs approximately 85 lawyers, which would make it Maryland’s eighth largest law firm.<sup>67</sup> The Department of Law is divided into ten functional sections:

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<sup>65</sup> Janey served as City Solicitor from January 1, 1988 to September 30, 1996.

<sup>66</sup> Zollicoffer served as Acting City Solicitor between January 8 and March 2, 2000.

<sup>67</sup> <http://www.mddailyrecord.com/specialpubs/top50lawfirms/f-list.html>

- *Central Bureau of Investigations* (Claims), which investigates all claims against the City, serving a similar function to the adjusters within an insurance company.
- *Collections*, which conducts tax sales and institutes lawsuits to collect debts owed to the City for taxes, liens, and fines.
- *Contracts*, which approves each City contract for form and legal sufficiency.
- *Employee Benefits* (Worker's Compensation), which reviews, evaluates, and defends claims for Worker's Compensation brought by City employees.
- *Labor, Employment, and Personnel*, which defends the City in administrative proceedings and litigation against claims relating to the City's workforce. This section also advises all City agencies in their employment practices.
- *Land Use*, which prosecutes all condemnation and eminent domain cases on behalf of the City and defends the City against real estate-based lawsuits.
- *Legal Counsel* (Advice and Opinions), which provides advice to the Mayor, City agencies, and the City Council with respect to state and local legislation.
- *Litigation*, which defends the City in all auto liability and general liability claims.
- *Minority and Women's Business Opportunity Office*, which oversees compliance with the City's Ordinance that encourages minority participation in City contracting.
- *Police Legal Advisor*, which represents the Baltimore Police Department in all legal matters.<sup>68</sup>
- *Real Estate*, which does all corporate work including real estate and bond financing.

#### B. *City Solicitor as Legal Advisor to the Mayor*

The City Solicitor is also the Mayor's lawyer, providing him or her with professional legal advice. On occasion the City Solicitor's dual role as both the Mayor's lawyer and the City's lawyer can create the appearance of a conflict of interest, particularly when legal disputes arise between the Mayor and the City Council. Nevertheless, the city solicitors have managed to balance these dual roles admirably.

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<sup>68</sup> The Baltimore Police Department is an agency of the state government. *Clea v. Mayor and City Council of Baltimore*, 312 Md. 662, 541 A.2d 1303 (1988). The historical reasons for this anomaly are discussed in H. H. Walker Lewis, *The Baltimore Police Case of 1860*, 26 MD. L. REV. 215 (1966). Pursuant to an agreement with the Attorney General of Maryland, the City Solicitor's office provides legal representation to the Baltimore Police Department.



*C. City Solicitor as Independent Policy-Maker*

The City Solicitor is one of five voting member of the Board of Estimates. Many have observed that because the City Solicitor and Director of Public Works are mayoral appointments, that the Mayor effectively controls three of the five votes on the Board. While this observation is certainly true, it discounts that the City Solicitor also exercises his or her best judgment on behalf of the City.